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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,921	09/10/2003	Thomas M. Kopera	47079-0231	2299
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NIXON PEABODY LLP 161 N. CLARK STREET 48TH FLOOR CHICAGO, IL 60601-3213			EXAMINER TORIMIRO, ADETOKUNBO OLUSEGUN	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/658,921

Applicant(s)

KOPERA ET AL.

Examiner

Adetokunbo O. Torimiro

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. The amendment received on 10/29/2007 has been considered. It has been noted that claims 1-11 and 15-17 have been amended. New claims 18 and 19 have been added.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogelman et al (US 4,440,457) in view of Hedrick et al (US 6,135,884).

Re claims 1,5: Fogelman et al discloses a method and group of components for converting a gaming machine from a first game to a second game, the method comprising: removing a plurality of first display elements of a top box associated with the first game, the first display elements supported on a standardized substructure of the top box (see col.3, lines 50-52); and installing / replacing a plurality second display elements on the substructure in place of the one or more first display elements, the one or more second display elements being associated with the second game (see figs.1 and 6; col.2, line 64-col.3. line 10); wherein the substructure is substantially concealed from a player's view during normal operation of the gaming machine, the first display elements and the second display elements comprising external decorative shell elements of the top box (see fig.6; col.3, line 46).

However, Fogelman et al does not explicitly teach at least a portion of the second display elements having a different shape than the first display elements; the first display elements and the second display elements substantially enclosing the front and sides of the top box.

Hedrick et al teaches at least a portion of the second display elements having a different shape than the first display elements (**see abstract; col.7, line 66-col.8, line 10**); the first display elements and the second display elements substantially enclosing the front and sides/various locations of the top box (**see col.3, lines 45-58**).

Therefor it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hedrick et al into the teaching of Fogelman et al. One would be motivated to do this so as to have a system where change in display could involve change on any location on the gaming machine, and also in any shape or form with the first display different from the second display. It is apparent and analogous for the substructure / frame to be concealed from the player of the game because it internal, hidden, and inside the gaming machine. It is apparent to Examiner that although Fogelman et al did not explicitly mention second display, it is analogous that if a display is removed and/or replaced as disclosed in col.3, line 50-52, it means a second display is put in place of a first display.

Re claims 2,3,9, and 15: Fogelman et al discloses the method wherein the first display elements / *monitor* are mounted to the substructure / *frames* (**see fig.6; col.3, line 46**), wherein the removing step disconnects the first display elements from the substructure (**see col.3, lines 50-52**), and wherein the installing step mounts the second display elements to the substructure; wherein the first display elements and the second display elements are further selected from a

group consisting of sculptures, video displays, and mechanical displays (see col.3, lines 1-5). It is apparent to Examiner that although Fogelman et al do not explicitly disclose removing and installing, it is analogous to remove a first display and then install a second display in the process of replacing of display.

Re claims 4,10, and 16: Fogelman et al discloses the method wherein the first display elements include a first side facing artwork / *graphics* panel adapted to be backlit from within the top box, and wherein the second display elements include a second side facing artwork / *graphics* panel adapted to be backlit from within the top box (see col.3, lines 54-60).

Re claims 11 and 17: Fogelman et al discloses a gaming machine convertible from play of a first game to play of a second game, the machine comprising a top box display having a standardized internal substructure / *frame* (see fig.6; col.3, line 46), the substructure being substantially concealed from a player's view during normal operation of the gaming machine, the substructure supporting one or more first display elements associated with the first game when the machine is operable to play the first game, the substructure supporting one or more second display elements associated with the second game when the machine is operable to play the second game, the one or more second display elements adapted to mount to the substructure in place of the one or more first display elements after the one or more first display elements are removed from the substructure (see figs.1 and 6; col.2, line 64-col.3. line 10 and col.3, lines 50-52).

However, Fogelman et al does not explicitly teach at least a portion of the second display elements having a different shape than the first display elements; the first display elements and the second display elements substantially enclosing the front and sides of the top box.

Hedrick et al teaches at least a portion of the second display elements having a different shape than the first display elements (**see abstract; col.7, line 66-col.8, line 10**); the first display elements and the second display elements substantially enclosing the front and sides/various locations of the top box (**see col.3, lines 45-58**).

Therefor it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hedrick et al into the teaching of Fogelman et al. One would be motivated to do this so as to have a system where change in display could involve change on any location on the gaming machine, and also in any shape or form with the first display different from the second display. It is apparent and analogous for the substructure / frame to be concealed from the player of the game because it internal, hidden, and inside the gaming machine. It is apparent to Examiner that although Fogelman et al did not explicitly mention second display, it is analogous that if a display is removed and/or replaced as disclosed in col.3, line 50-52, it means a second display is put in place of a first display.

Re claims 18 and 19: Fogelman teaches wherein at least a portion of the standardized substructure is situated toward the back of the top box (18,24) (**see fig.6**).

4. Claims 6-8 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogelman et al (US 4,440,457) in view of Hedrick et al (US 6,135,884) and further in view of

Seelig et al (US 2004/0051249). The teachings of Fogelman et al and Hedrick et al have been discussed above.

Re claims 6-8 and 12-14: Fogelman et al teaches a gaming machine for converting from play of a first game to play of a second game.

However, Fogelman et al fails to explicitly teach wherein the substructure includes a cable chase defining a space for accommodating power and data cables; wherein the cable chase is adapted to support power supplies and controller boards; wherein the cable chase includes a plurality of connector holes for mounting standardized cable connectors.

Seelig et al teaches wherein the substructure includes a cable / *wire* chase defining a space for accommodating power and data cables; wherein the cable chase is adapted to support power supplies and controller boards; wherein the cable chase includes a plurality of connector holes for mounting standardized cable connectors (see **figs.1, 4, and 5; par. [0017] and par. [0045]**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to make this combination of Fogelman et al and Seelig et al so as to have a compartment and section of the gaming machine for storing cables, wires and components related with the electrical connection in the gaming machine hence hiding the electrical connection from the player and protecting the player from getting in electrical danger by being exposed to the wires, protecting the player from hurting themselves by tripping over the wire, and making the game more compact, neat, and more inviting to the player. It is also obvious that for the cable / wire chase to be mounted on the gaming machine, there has to be holes necessary for mounting.

*Response to Arguments*

5. The Applicants' correction in regards to the Drawings, Specifications, and Claim rejections are accepted therefore, the objections and rejection have been withdrawn.

6. Applicant's arguments filed 10/29/2007 have been fully considered but are moot in view of the new ground(s) of rejection.

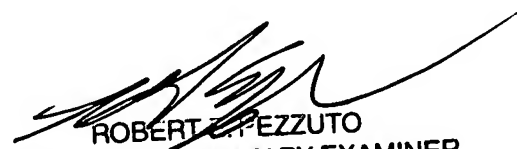
*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AT

  
ROBERT E. PEZZUTO  
SUPERVISORY PRIMARY EXAMINER